

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Elizabeth Johnson	Team: Team # 6	CCRB Case #: 201004235	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/25/2010 7:00 PM	Location of Incident: Northeastern corner of Jefferson Avenue and Nostrand Avenue	Precinct: 79	18 Mo. SOL 9/25/2011	EO SOL 9/25/2011	
Date/Time CV Reported Tue, 03/30/2010 4:33 PM	CV Reported At: Other NYPD unit	How CV Reported: Mail	Date/Time Received at CCRB Tue, 03/30/2010 4:33 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Torres	07967	948149	BN IRT
2. POM Jonathan Dones	27390	948203	BN IRT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Torres	Abuse: PO Joseph Torres questioned an individual.	
B.POM Jonathan Dones	Abuse: PO Jonathan Dones questioned an individual.	

Case Summary

On March 29, 2010, § 87(2)(b) wrote this complaint to Chief Gerald Nelson of Patrol Bureau Brooklyn North on behalf of § 87(2)(b) regarding an incident on March 16, 2010, and on behalf of an unidentified individual on March 25, 2010. Sergeant Kristin Klimkoski of Patrol Bureau Brooklyn North referred the complaints to the CCRB, which was received on March 30, 2010. On April 6, 2010, the incident involving § 87(2)(b) was referred to the Office of Chief of Department via CCRB number 2011004234. As official statements were not obtained from either § 87(2)(b) or the unidentified individual, regarding the incident on March 25, 2010 the details of the incident were gathered from § 87(2)(b)'s original complaint.

On March 25, 2010, at approximately 7:00pm, an unidentified male was on the northeast corner of Nostrand Avenue and Jefferson Avenue in Brooklyn when two officers, whom § 87(2)(b) identified as PO Torres, shield number 7967, and PO Dones, shield number 27390, questioned the male (**Allegations A and B**). The male asked the officers why they wanted to question him, to which the officers told him to speak with a lawyer. § 87(2)(b) informed the officers that he was a lawyer, and the officers informed him that the male had been “standing on the corner too long.” § 87(2)(b) had observed the male on the corner speaking with other individuals before walking home. § 87(2)(b) asked the officers what crime the male had committed, and what basis did they have for stopping him as he did not believe standing on the corner was illegal in New York City. PO Torres and PO Dones did not issue a summons to the male, but § 87(2)(b) informed them that they should complete and submit a UF-250, a Stop, Question and Frisk Report.

§ 87(2)(b) provided the names and shield numbers of “PO Torres” and “PO Dones” who allegedly questioned the unidentified male. Searches of the CCRB database confirmed the identities of these officers as PO Joseph Torres and PO Jonathan Dones of Brooklyn North Impact Response Team, and the allegations were pleaded against them.

On April 1, 2010, a search of the Department of Corrections website confirmed that § 87(2)(b) was not incarcerated. On April 1, 2010, a letter was mailed to § 87(2)(b) which was not returned to the agency. On April 1, 2010 and on May 12, 2010, emails were sent to § 87(2)(b). Between April 1, 2010 and April 5, 2010, three telephone calls were placed to § 87(2)(b) and with each call, a message was left. On April 6, 2010, § 87(2)(b) called the undersigned and stated that he was unable to identify the male at the time of his telephone call, but scheduled an appointment for April 26, 2010 and stated he would attempt to obtain the male's name and contact information by the time of his interview. On April 22, 2010, § 87(2)(b) called the undersigned and stated that he was in Europe and unable to return by the time of his appointment, and asked to reschedule his interview for May 7, 2010. On May 7, 2010, § 87(2)(b) failed to appear for his scheduled appointment without calling to cancel or reschedule. On May 12, 2010, a missed appointment letter was mailed to § 87(2)(b) which was not returned to the agency. On May 12, 2010, a telephone call was placed to § 87(2)(b) during which a message was left.

Although requests were made for SPRINTS and 250 records, the SPRINT index and 250 log from the date of the incident did not indicate any entries pertaining to this incident. Although § 87(2)(b) informed the officers that he expected a 250 report to be prepared, did not suggest in his complaint that the officers would have prepared any documentation as he did not indicate that the officers stopped the male and obtained his information, which would be required for a 250 report, and as the male was not arrested nor received a summons, a SPRINT would not be available. As § 87(2)(b) was unable to identify the male who officers allegedly questioned, absent additional testimony and documentation, the male could not be identified, and a statement was not obtained. As § 87(2)(b) did not appear for his scheduled appointment without calling to cancel or

reschedule. § 87(2)(g)

Team: 6

:

Investigator: _____
Signature Print Elizabeth Johnson Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date